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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/760,184

01/21/2004

Kia Silverbrook

RRA29US

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04/17/2006

EXAMINER

GARCIA JR, RENE

SILVERBROOK RESEARCH PTY LTD  
393 DARLING STREET  
BALMAIN, NSW 2041  
AUSTRALIA

ART UNIT

PAPER NUMBER

2853

DATE MAILED: 04/17/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/760,184	SILVERBROOK, KIA	
	<b>Examiner</b>	<b>Art Unit</b>	
	Rene Garcia, Jr.	2853	

– The MAILING DATE of this communication appears on the cover sheet with the correspondence address –  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 26 January 2006.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-7 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-7 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |   |   |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                        | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)    | Paper No(s)/Mail Date. _____  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____   | 6) <input type="checkbox"/> Other: _____                                    |

## DETAILED ACTION

### *Claim Rejections - 35 USC § 102*

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1, 2, 4-7 are rejected under 35 U.S.C. 102(b) as being anticipated by Komplin et al. (US 6,199,977).

**Komplin et al. disclose the following claimed limitations:**

\*regarding claim 1, printing fluid dispenser/**ink cartridges, 12/** system comprising a number of printing fluid dispensers each including: (fig. 2; col. 2, line 67)

\*one of a number of printing fluids/**ink/** (col. 6, lines 38-39)

\*feature/**keying member, 50/** (fig. 5) configured to locate the dispenser at predetermined location upon an inkjet printer component/**cartridge body, 10 and printheads, 14/** to be refilled (fig. 1; col. 6, lines 42-51; cartridge body has the printheads 14 attached to it therefore refilling ink to printheads)

\*outlet/**boss, 30/** (fig. 1) located at one of a number of predetermined positions relative to the feature depending upon the type of printing fluid/**ink/** within said dispenser/**ink cartridges, 12/** (figs. 1 and 2)

\*regarding claim 2, inkjet printer component/**cartridge body, 10 & printheads 14/** is a removable inkjet printer cartridge (col. 3, line 1: ink jet printheads/14 can be semi-permanent)

\*regarding claim 4, feature/**keying member, 50/** configured to locate the dispenser/**ink cartridges, 12/** at a predetermined location/**ink cartridge slots: 140, 138, 136, 134/** (fig 5) comprises a connector/**boss, 30/** arranged to mate with a refill port/**needle,24 & needle valve seal assembly, 26/** (fig. 1; col. 3, lines 18-22) of the inkjet printer component (fig. 1 & 3b;

\*regarding claim 5, number of predetermined positions/**ink cartridge slots: 140, 138, 136, 134/** (fig 5) of the outlet/**boss, 30/** lie within a region defined by the connector (fig. 5)

\*regarding claim 6, comprising a number of printing fluid dispensers/**ink cartridges, 12/** wherein the number of printing fluids/**ink/** include a range of inks colored to facilitate color printing (col. 6, lines 38-44)

\*regarding claim 7, printing fluid dispenser/**ink cartridges, 12/** system comprising a number of printing fluid dispensers each including: (fig. 2; col. 2, line 67)

\*colored ink (col. 6, lines 38-44)

\*connector/**boss, 30/** (fig. 1) arranged to mate with a refill port/**needle,24 & needle valve seal assembly, 26/** (fig. 1; col. 3, lines 18-22) of an inkjet printer cartridge/**cartridge body, 10/** to be refilled (fig. 1; col. 6, lines 42-51; cartridge body has the printheads 14 attached to it therefore refilling ink to printheads), the refill port including a number of discretely positioned inlets/**ink cartridge slots: 140, 138, 136, 134/** (fig 5)

\*outlet/boss, 10/ positioned to mate with one of the discretely positioned inlet ports/ink cartridge slots: 140, 138, 136, 134/ (fig 5) depending upon the color of the colored ink (col. 6, lines 42-51)

***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Komplin et al. (US 6,199,977) in view of Waller et al. (US 6,250,738).

**Komplin et al. disclose all of the claimed limitation except for the following:**

\*regarding claim 3, removable inkjet printer cartridge includes a pagewidth printhead

**Waller et al. disclose the following:**

\*regarding claim 3, removable inkjet printer cartridge includes a pagewidth printhead/page-wide-array printhead/ (col. 1, line 56) (fig. 1; includes inkjet printhead assembly/12/, ink supply assembly/14/, and mounting assembly/16/)

It would have been obvious at the time the invention was made to a person having ordinary skill in the art to utilize a removable inkjet printer cartridge includes a pagewidth printhead as taught by Waller et al. into Komplin et al. for the purpose of printing one or more lines at a time.

***Response to Arguments***

5. Applicant's arguments filed 26 January 2006 have been fully considered but they are not persuasive.

Applicant's arguments that outlet location is in one of a number predetermined positions, i.e. outlet within dispenser (housing/body) is located in different locations is not claimed as such. The claim language set forth in claim 1 only recites that the outlet is located in different positions relative to a feature to locate dispenser. Komplin et al. (US 6,199,977) teaches a keying feature which only permits ink cartridges with mating keys (col. 6, lines 42-51) to be inserted in specific cartridge slots, therefore each specific cartridge with a corresponding outlet can be at one of a predetermined position relative to keying structure as recited by claim 1.

With regards to claim 7, applicant's argument that Komplin et al. teaches a cartridge engaging a single inlet port is not persuasive. Applicant is arguing claimed limitations supported in the specification but not claimed in the claim, location of the outlet port and the inlet ports are not claimed with positional information relative to any structure of the dispenser/inkjet printer cartridge, therefore open to interpretation of the claim language. Each inlet port in Komplin et al. is taught to be in a position relative to keying feature used in system to mate a specific cartridge with matching mating key, so as to locate the outlet of a specific cartridge to a specific inlet.

In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., location of outlet relative to the location feature) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

### ***Conclusion***

6. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).


A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.


*Communications with the USPTO*

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Rene Garcia, Jr. whose telephone number is (571) 272-5980. The examiner can normally be reached on M-F 8:00AM - 4:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Stephen D. Meier can be reached on (571) 272-2149. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
Rene Garcia Jr.  
13 April 2006

  
R. FEGGINS  
PRIMARY EXAMINER